

# **City of Burien, Washington**

## ***Shoreline Advisory Committee Meeting Agenda***

Wednesday, October 21, 2009, 4:00 – 6:00 pm

Burien Community Center  
425 SW 144<sup>th</sup> Street, South Building, Room 11  
(206) 241-4647

### **MEETING # 8**

- (1) SIGN IN/ROLL CALL - (5 min.)
- (2) CONFIRM AGENDA - (5 min.)
- (3) REVIEW AND APPROVE MEETING #7 SUMMARY - (5 min.)
- (4) SHORELINE USE AND MODIFICATION POLICIES AND REGULATIONS,  
Chapter IV – (1hr 15 min.)
- (5) ADMINISTRATIVE PROCEEDURES, Chapter V – (20 min.)
- (6) NEXT STEPS and NEXT MEETING (if needed) - (10 min.)

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**CITY OF BURIEN, WASHINGTON  
MEMORANDUM**

**DATE:** October 15, 2009  
**TO:** Burien Shoreline Advisory Committee  
**FROM:** David Johanson, AICP, Senior Planner  
**SUBJECT:** Burien Shoreline Master Program Meeting No. 8

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The purpose of this memo is to provide the Shoreline Advisory Committee information for your upcoming meeting on Wednesday, October 21, 2009 from 4-6:00 pm.

**SPECIAL NOTE:** Please note we will be meeting at the Burien Community Center located at  
425 SW 144<sup>th</sup> Street  
Room 11 (South Building)

At our last meeting it was reiterated that members should provide their comments in writing to help facilitate the document review process. The deadline to provide those comments was on October 12<sup>th</sup> at 5PM.

Staff received comments from committee members Branson and Moyer. Please see those comments attached.

Please bring you packets from meeting No. 6. For those who were not in attendance we will be continuing the discussion starting at section 20.30.075 (page IV-19).

**Attachments**

- 1) Draft meeting summary of meeting no. 7.
- 2) E-mail from Jim Branson dated October 12, 2009, 12:06 pm
- 3) E-mail from Lee Moyer dated October 12, 2009
- 4) E-mail from Jim Branson dated October 12, 2009, 7:52 pm



# City of Burien, Washington

## Shoreline Advisory Committee

DRAFT

### Meeting #7 Summary

October 7, 2009

4:00pm

#### (1) ATTENDANCE

SAC Members present	Technical Staff Present	Interested Parties Present
Jim Branson Cyrilla Cook Joe Fitzgibbon Patrick Haugen Lee Moyer Don Warren	David Johanson Bob Fritzen Liz Ockwell Steve Roemer Karen Stewart	Chestine Edgar Robert Edgar Robert Howell Susan Luthy Kathi Skarbo

#### (2) CONFIRM AGENDA

1. The agenda was confirmed

#### (3) REVIEW AND APPROVE MEETING #6 SUMMARY

1. There was consensus that the meeting summary was accepted as presented with the following clarification: CORRECTIONS:
  - There were two people missing from the Interested Parties Present List: Bud Mount and Terry Lee.
  - A typo was found on page 2 in the 3<sup>rd</sup> paragraph. The sentence should read: He wanted to ensure that the ~~committed~~ committee doesn't feel rushed.

#### (4) SHORELINE MASTER PROGRAM UPDATE, PROGRESS REPORT AND RECAP: David Johanson briefly stated where the committee is in the review of the shoreline master program. He passed around comments submitted by the committee prior to this meeting. Comments from the committee members were summarized in one document to help with organization of review.

#### (5) SHORELINE USES AND MODIFICATIONS, POLICIES AND REGULATIONS, CHAPTER IV: Pat Haugen led the continued discussion of Chapter IV.

##### 1. 20.30.040 Shoreline Vegetation Conservation

- Cyrilla Cook asked for clarification on section 2.c.v regarding the meaning of 'non-compliant'. David Johanson responded that the term 'non-compliant' was used to recognize buffers that do not comply with the current code. There was a consensus of the committee that 'non-compliant' should be removed from the sentence.

- Don Warren does not agree that lawn should be prohibited within shoreline buffers. He stated that grass acts as a filter for sediment and chemicals. Cyrilla Cook disagreed and commented that while lawn is only beneficial for erosion purposes. Lee Moyer commented that lawns do not provide much of a beneficial habitat for shorelines and they are basically a sterile environment. David Johanson pointed out that this regulation is only for new lawns, not existing lawns and Bob Fritzen commented that lawns do not provide a proper buffer, having a plant a native community provides an essential habitat for creatures that live near the shoreline.
  - Bob Fritzen suggested in 2.c.ix, to remove 'non-conforming' from the regulation. The committee discussed the revision and came to the consensus that 2.c.ix should be removed from the SMP because it can be found elsewhere in the document.
2. **20.30.050 Dimensional Standards for Shoreline Development**
- David Johanson gave an overview of Figure 5 Dimensional Standards for Shoreline Development. Pat Haugen asked if any of the buffers apply to community beaches.
3. **20.30.055 Shoreline Buffers**
- Lee Moyer suggested the language be added to explain show shoreline buffers are measured, such as perpendicular from the OHWM (ordinary high water mark). There were no objections to including a measurement method section to clarify the buffer dimensions.
4. **20.30.060 Shoreline Uses**
- Pat Haugen asked if the term "Recreation" in this section included community beaches. Cyrilla Cook suggested that all uses should be included in the uses and modifications list. Karen Stewart responded that community beaches are not listed in this section because there are no regulations within the section that address community beaches. Karen asked the committee if the committee would like all uses to be added to the list.
  - Bob Fritzen asked if the committee feels boat ramps should fall under the non-conforming code, or should the SMP provide regulations for maintenance. The committee reached a consensus that there should be no changes to the code regarding boat ramps with the exception of footnote 2 in 20.30.001 Figure 4.
  - The committee went on to discuss various types of boat ramps such as paved vs. track ramps. Bob Fritzen stated that whether the boat ramp is upland or in-water, impact occur in both places that will affect the shoreline.

1-604

- Lee Moyer asked if a new boat ramp could be allowed if impacts to the shoreline are mitigated to produce no net loss. Mitigation could include removing the bulkhead and re-vegetating the shoreline. Cyrilla Cook suggested a provision be added to the SMP that ramps may be installed if there is no net loss to the shoreline. The committee reached a consensus to not alter the code.

#### 5. 20.30.065 Aquaculture

- Don Warren asked if aquaculture is allowed in Lake Burien. Staff responded that it was, but at this time, none exists. Karen Stewart suggested that Lake Burien be added to footnote 1 in 20.30.001 Figure 4. There was consensus to add the footnote that would prohibit aquaculture in the lake.
- A suggestion and consensus to revise the definition of aquaculture to include language to include an exception for education and research.

#### 6. 20.30.070 Bulkheads and Other Shoreline Stabilization Structures

- Cyrilla Cook commented that there is no policy background to support the regulations for non-structural bulkheads. She has proposed to add 3 more policy statements to provide a basis for the city's objective of protecting shoreline functions from structural shoreline stabilization. The committee reached a consensus to add the following policy language:
  - c. *Burien should take active measures to preserve natural unaltered shorelines, and prevent the proliferation of bulkheads and other forms of shoreline armoring.*
  - d. *Non-structural stabilization measures including relocating structures, increasing buffers, enhancing vegetation, managing drainage and runoff and other measures are preferred over structural shoreline armoring.*
  - e. *Where feasible, any failing, harmful, unnecessary, or ineffective structural shoreline armoring should be removed, and shoreline ecological functions and processes should be restored using non-structural methods.*
- Pat Haugen asked where the one foot requirement in 2.i. came from. Staff responded that it was taken from a current regulation in the existing SMP.
- Lee Moyer asked what 'extreme high water' means and how it is determined.
- Staff responded that they would look into both questions.

**(6) ADMINISTRATIVE PROCEDURES, CHAPTER V:** Committee did not have time to discuss Chapter V at this meeting.

**(7) NEXT STEPS AND NEXT MEETING:**

1. Another meeting for further discussion has been scheduled for October 21, 2009, in the same location and at the same time.
2. David Johanson encouraged the committee members to submit their comments before the next meeting. Comments should be submitted by 5pm, 10/12.

The meeting concluded at 6:00pm.



## David Johanson

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From: Jim Branson [james.branson.206@gmail.com]  
nt: Monday, October 12, 2009 12:06 PM  
David Johanson  
Cc: Emelie; Susan Coles; Victoria Hall; Annie Phillips; Brian Bennett; Bruce Berglund; Cyrilla Cook; Don Warren; George Yocum; Joe Fitzgibbon; Joe Weiss; Kim Otto; Laura Arber; Lee Moyer; Patrick Haugen; Dan Bath; Rebecca McInteer; Fritzen, Bob (ECY)  
Subject: SMP comments for the record

October 12th, 2009

To the Shoreline Advisory Committee:

This attempt at a Shoreline Management Plan will not succeed in its goal of "No net loss of ecological function or processes." The reasons it won't work are too many to enumerate here, but the main reasons are the same reasons why existing regulations have not preserved the environment. First, the regulations have not and will not be enforced in a consistent manner. Second, the largest owner of the biggest chunk of shoreline, the City, has no one to watch over it.

For an example of inconsistent enforcement, let's compare dogs on the beach to the building of bulkheads. If you want to build a bulkhead, you have to get a permit. If you were to build one without a permit, you probably wouldn't be able to find a contractor willing to do it illegally. If you did the work yourself, people would notice the changes to the landscape and report it. I am confident that zero bulkheads have been built without permits since the mid-seventies. If I am wrong about that, please let me know.

You need a permit to have a dog, too. I have three, which are licensed, and I love to take them for walks on the beach. I follow two simple rules that protect the environment: I keep them on a leash where the law requires that I do so, especially in public parks, and I clean up after them. While I am at the beach with my dogs, I see a minority of dog owners that ignore the law. They do this day after day. They don't clean up after their dogs, and they allow them to dig and to chase wildlife. Several of these off-leash dogs have even attacked my on-leash dogs.

The city of Burien has said repeatedly that it will do absolutely nothing to control off-leash dogs. They will not issue fines. The police won't respond at all. The only remedy they offer is to call animal control, an understaffed and underfunded agency that doesn't even answer its phones. Since Burien was incorporated, I am confident that not a single person has been issued the \$250 fine for having their dog off-leash. Again, if you know of an example to the contrary please let me know. I know of at least a dozen individuals that bring their dogs off-leash to City parks every day, have done so for years, and don't clean up after them. The Mayor has said, on camera, at a council meeting, that it is okay to have your dogs off-leash at City owned beaches. A neighbor of one park had a fenced yard with a lawn, and they used the gate to shut their dog OUT, sending him to the neighboring park to defecate. The City knew this was happening for years and chose to do nothing. If it were just one dog on one day, it would be no big deal. It is happening with dozens of dogs, I would guess about 100 or so, every single day. While the vast majority of dog owners is responsible and law bidding, this small minority of irresponsible people is causing an inordinate degree of environmental damage. No one—not the city, not the citizens, not animal control—has attempted to correct this situation. The Shoreline Advisory Committee has not addressed this in spite of my efforts.

Dogs off-leash are only one example of illegal activity that has not and never will receive enforcement unless citizens demand it. Other environmentally damaging activities include: beach fires; garbage from illegal drinking and drug use; illegal harvesting of shellfish, plants, rocks, and driftwood; graffiti; and trespassing from public lands onto private lands.

In all cases, a law exists to address each issue, but the City of Burien has zero plans to enforce any of them.

Try calling the police the next time you see someone drop litter on the beach, and see what kind of response you get. The obvious solution is to have a park ranger. A ranger would know the beach, know the history of abuses and could head things off before they start. A park ranger could educate people, when that was all that was necessary, and issue fines when education failed. The cost of a park ranger system is irrelevant: the City is required to have No Net Loss, so they need to enforce rules on their property. Also, what does it cost to NOT have a park ranger? To allow a small minority of people to engage in illegal activity, year after year, brings down the property value of all our homes. It causes environmental damage that has a dollar value. Supposing that a few park rangers might cost \$300,000 a year to fund, that is nothing compared to the millions of dollars we would gain in increased property values and in avoided damage to our ecosystem. Whether or not the City or the citizens are willing to pay that \$300,000 a year is irrelevant. We have a law that requires No Net Loss, and so we have to enforce our laws, not just the easy ones like the bulkhead regulations.

The second major problem with the shoreline management plan is that the city does not hold itself to the same standards as it holds some of its citizens. The above issue of no enforcement of park rules is a prime example. If a private citizen owned over 250 acres of forested shoreline, and invited people to that property who caused regular environmental damage, the City would not allow it. It wouldn't be a defense for the property owner to say, "I asked them to behave, and if they don't then I can't do anything about it." Likewise, if a private owner of 250 acres of forested shoreline told the City that they wanted to build a 300 foot road through a wetland, for any reason, the answer would be No. The City built an unnecessary road from the beach, at Seahurst Park, up through a known wetland, and back to the beach. It doesn't go anywhere. The only thing you get to see from the trail is the same trees you could see from the beach. I guess you get to see where a wetland used to be before they filled it and diverted the water. You start at the beach and you end at the beach. They call it a path, but it is 8 to 10 feet wide, of compacted gravel, and designed to accommodate vehicle traffic. Further, they installed stone bulkheads above and below it. They received over a million dollars of grant money to remove bulkheads to improve ecological function, and they used some of that money to install new bulkheads just a few feet uphill. It makes absolutely no sense, from an environmental standpoint or an economic standpoint, and a private citizen would never have been allowed to do it. This is just one more example of the City doing things it wouldn't allow its citizens to do.

Two more examples would be the removal of the trees on 4th Avenue, by the new town center, and the removal of trees along Des Moines Way to put in a bicycle/pedestrian path that, in the year since it was built, I have not seen a single pedestrian or cyclist on, perhaps because it is brutally ugly now that the large trees are removed.

I have tried to raise these issues before, but they are not reflected in the document we are working on. I would like my comments included in the record so that people will know that, although I was a member of the Shoreline Advisory Committee, the final document does not accomplish its stated goals, in my opinion. It is my hope that, in the coming years, some group or agency will document the environmental quality of our shoreline. The inventory included with the current process is very superficial and ignores much of the environmental damage I am addressing here. Perhaps if someone measures the environmental cost of the damage done by people who routinely ignore basic laws, it will put some pressure on a future Shoreline Advisory Committee to find a solution to these problems. If we are to base these regulations on the best available science, it would make sense to scientifically monitor these impacts. Saying we don't have the science because we didn't bother to do it is not an excuse. I hope the shortcomings of the current Shoreline Management Plan will be addressed by future committees. I am asking that my comments be included with the final document to show that approval of the document was not unanimous.

James Branson  
P. O. Box 904  
Seahurst, WA 98062

**David Johanson**

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**From:** MoyerLA@aol.com  
**nt:** Monday, October 12, 2009 4:02 PM  
**J:** james.branson.206@gmail.com; David Johanson  
**Cc:** Emelie@psmt.biz; Susan Coles; victoriachall2@yahoo.com; felicity@nwlinc.com;  
bcbennett@hotmail.com; bberggo@peoplepc.com; ccook@pugetsound.org;  
donwarren@seanet.com; gyocum@pacifictorque.com; jcfitzgibbon@gmail.com;  
weiss\_joe@msn.com; kotto444@hotmail.com; arberlma@dfw.wa.gov; path41@msn.com;  
Dan Bath; mcinteer@drizzle.com; BFRI461@ecy.wa.gov  
**Subject:** Re: SMP comments for the record

I agree that it is frustrating to have rules that are not enforced consistently. However, I don't think that means we should not have the rules, so I don't understand your point of not supporting the SMP. Is it because you don't like the rules or because they contain no policing policies?

Lee Moyer



## David Johanson

From: Jim Branson [james.branson.206@gmail.com]  
Sent: Monday, October 12, 2009 7:25 PM  
To: MoyerLA@aol.com  
Cc: David Johanson; Emelie@psmt.biz; Susan Coles; victoriachall2@yahoo.com; felicity@nwlinc.com; bcbennett@hotmail.com; bberggo@peoplepc.com; ccook@pugetsound.org; donwarren@seanet.com; gyocum@pacifictorque.com; jcfitzgibbon@gmail.com; weiss\_joe@msn.com; kotto444@hotmail.com; arberlma@dfw.wa.gov; path41@msn.com; Dan Bath; mcinteer@drizzle.com; BFR1461@ecy.wa.gov  
Subject: Re: SMP comments for the record

I am in favor of most of the rules, in general, contained in the draft so far. My objection is that these rules will not provide any benefit to the environment if they are not enforced in a fair and consistent manner. During our discussions, various members have pointed out the ways our current rules are not enforced: leaking septic systems are not inspected or fixed, people dump yard waste and trash in public shoreline parks, people harvest fish and shellfish illegally, dogs off-leash, people wash their cars in their driveways even though it's not permitted, etc. Does anyone on the committee have any reason to expect that the rules will be enforced in the future if they are not enforced now? If so, what is the basis for that expectation? Neither the City nor its citizens have been motivated to enforce these rules so far. Unless there is a change in attitude, our shorelines will continue to suffer a net loss. The biggest impact on our shorelines--untreated stormwater from streets many miles from the shore--isn't addressed in this document at all. I agree with your suggestion of requiring vacuum sweepers on our streets, but to the best of my knowledge, no effort was made to include this in the SMP Document. Why do you, or why does anyone, think this document will result in no net loss?

Mon, Oct 12, 2009 at 4:01 PM, <MoyerLA@aol.com> wrote:  
> I agree that it is frustrating to have rules that are not enforced  
> consistently. However, I don't think that means we should not have the  
> rules, so I don't understand your point of not supporting the SMP. Is  
> it because you don't like the rules or because they contain no  
> policing policies?  
> Lee Moyer



## David Johanson

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From: Steve Roemer  
Sent: Wednesday, October 21, 2009 11:56 AM  
To: David Johanson  
Cc: Michael Lafreniere  
Subject: RE: SMP comments for the record

Importance: High

David

I had intended on being at the 10/21 SMP meeting, but I have been out sick all week and will not be able to attend. Though Jim Branson is entitled to his opinion, which comprises the bulk of this e-mail, I wanted to make very clear that his statement that "The second major problem with the shoreline management plan is that the city does not hold itself to the same standards as it holds some of its citizens." as he refers to the Seahurst project is completely false. The Seahurst South shoreline restoration and currently the Seahurst North shoreline restoration projects have gone through the exact same processes and reviews by all of the appropriate regulatory agencies as would be expected of any citizen attempting a similar project. Both projects have been very transparent in their designs and objectives, have included hundreds of hours of scientific evaluation by extremely respected researchers in their fields, have been reviewed by regulatory agencies on the local, state and federal levels, and are strongly supported by those who oversee the priorities and direction for Puget Sound restoration, such as our WRIA 9 Watershed Forum and the Puget Sound Partnership. The Seahurst projects are seen by the Puget Sound restoration community as setting milestones in how we look at the removal of bulkheads to enhance the biological function of the shoreline in the context of creating suitable shoreline habitat for a variety of marine life, including forage fish species sought by Chinook Salmon, as well as improving the delivery of sediments back into the shoreline ecosystem. At Seahurst we have found a balance of creating and enhancing habitat, while providing recreational opportunities for the public. It appears that our creation of a trail, which for the first time made available a section of shoreline to people of "all abilities" has not been well received by Jim Branson, but I assure you that in this instance and throughout the entire philosophy of the Seahurst shoreline restorations, the goal of the SMP of "No Net Loss" has and will be overwhelmingly met. The City of Burien has been proactive in working with regulatory agencies and the scientific community, which is why we are currently in partnership with the Army Corps of Engineers on the next phase of restoration along the north shoreline, and the University of Washington has identified Seahurst as a scientifically significant project to include in its recently successful Seagrass proposal.

Thanks Steve

From: David Johanson  
Sent: Tuesday, October 13, 2009 9:50 AM  
To: Michael Lafreniere; Steve Roemer  
Subject: FW: SMP comments for the record

Michael and Steve

I am sending these comments from Jim Branson so that you can at least be aware of his issues with Seahurst Park.

David Johanson, AICP  
City of Burien, Senior Planner





Mr. Jim Branson  
PO Box 904  
Burien, WA 98062

Mr. George Yocum  
12044 5th Ave NE  
Seattle, WA 98125

Mr. Joe Weiss  
5041 SW Prince  
Seattle, WA 98116

Ms. Kim Otto  
12237 2nd Ave S  
Seattle, WA 98168

Mr. Brian Bennett  
12423 14th Ave SW  
Burien, WA 98146

Mr. Patrick Haugen  
12122 Shorewood Dr SW  
Burien, WA 98146

Ms. Cyrilla Cook  
911 Western Ave, Suite 580  
Seattle, WA 98104

Mr. Lee Moyer  
11917 8th Ave SW  
Seattle, WA 98146

Ms. Victoria Hall  
15226 26th Ave SW  
Burien, WA 98166

Ms. Emelie McNett  
13637 3rd Ave S  
Burien, WA 98166

Ms. Annie Phillips  
17600 Sylvester Rd SW  
Burien, WA 98166

Mr. Don Warren  
15702 13th Ave SW  
Burien, WA 98166

Mr. Bruce Berglund  
15643 Maplewild Ave SW  
Burien, WA 98166

Mr. Joe Fitzgibbon  
615 SW Ambaum Blvd, #204  
Burien, WA 98166

Ms. Rebecca McInteer  
2405 SW 151st St  
Burien, WA 98166

Mr. Bob Fritzen  
Washington State Dept. of Ecology  
1440 10th St, Suite 102  
Bellingham, WA 98225

Liz

Steve Romer  
Parks Department

David Johanson

Karen Stewart  
Senior Planner  
Reid Middleton, Inc.  
728 134<sup>th</sup> St SW, Suite 200  
Everett, WA 98204

Katie Knight  
Puget Sound Habitat Program  
Washington Dept. Fish and Wildlife  
600 Capitol Way North  
Olympia, WA 98501-1091

Kirk Lakey, PWS  
WDFW Regional Watershed Stewardship  
Team Coordinator  
1775 12 Avenue NW, Suite 201  
Issaquah, WA 98027

Tomish Longhouse  
Cultural Center  
4705 W Marginal Way SW  
Seattle, WA 98106

Chestine Edgar  
1811 SW 152<sup>nd</sup> St.  
Burien, WA 98166

Tanya Engeset  
1449 SW 152<sup>nd</sup> Street  
Burien, WA 98166



October 21, 2009

**Note:** Names and addresses can be made available to the public upon request



October 7, 2009

**Burien SMP Update: Combined Comments of the SAC on Chapter IV**

**Page IV-7, 20.30.025 Critical Areas**

Regulation 2.c. What is the basis of the ten-foot buffer from critical saltwater habitats, since the buffer is 50 feet? This seems inconsistent with best available science, and the adopted standards for buffer averaging in the CAO. A 50% reduction with buffer averaging would be a minimum of 25 feet. A 25-foot buffer will provide only minimal water quality and habitat functions, removing between 50-60% of sediments and pollution (Desbonnet et al 1994). The ten foot standard is also inconsistent with the minimum 20 foot buffer proposed on page IV-27 under common line riparian buffer. To maximize water quality treatment that supports the no net loss standard, the City should consider requiring enhancement of buffers through planting with native vegetation any time buffers less than the standard will apply.

**Page IV-11, Shoreline Vegetation Conservation**

Policy 1.a. Native plant communities on stable bluffs should also be maintained, as that may be what contributes to their stability.

Regulation 2.c. Item v refers to a "noncompliant" buffer and item ix refers to "non-conforming" buffers. Are these the same thing?

**Page IV-17, 20.30.060 - Shoreline Uses**

Assume Recreation includes a 'Private Community Beach', if so include those words. If not lets add that use. (This is loosely covered in 20.30.090.)

Another 'use' is Boat Ramps, which are allowed at a Private Community Beach. Also as the DO exist on other properties they should be listed even though restricted. These cannot just be ignored.

**Page IV-17, Bulkheads and other shoreline stabilization structures**

While the regulations in Subsection 2 make sense, they need a policy basis to support them. Regulations that favor nonstructural methods over structural methods avoid the individual and cumulative net loss of ecological functions attributable to shoreline stabilization, yet there are no policies in this section stating the city's objective of protecting shoreline functions from structural shoreline stabilization.

Policy b speaks to the aesthetic qualities of the shoreline but does not clearly state the city's preference for nonstructural stabilization. It could be modified as follows:

b. Bulkheads should be designed to blend in with the natural surroundings and not detract from the aesthetic qualities or degrade the natural processes of the shoreline.

I recommend adding the following additional policies:

Burien should take active measures to preserve natural unaltered shorelines, and prevent the proliferation of bulkheads and other forms of shoreline armoring.

Non-structural stabilization measures including relocating structures, increasing buffers, enhancing vegetation, managing drainage and runoff and other measures are preferred over structural shoreline armoring.

Where feasible, any failing, harmful, unnecessary, or ineffective structural shoreline armoring should be removed, and shoreline ecological functions and processes should be restored using non-structural methods.

#### **Page IV-19 20.30.070[2.i] - Bulkheads**

A height limitation of one foot above extreme high water virtually eliminates the function of any bulkhead in windy conditions. A perfect example is most of the homes on 30th Avenue SW where wind driven seas constantly broach bulkhead heights that exceed this limitation now. This one foot must be a misprint or have come from a lake specification.

#### **Page IV-20, Docks, Piers, and Floats**

Regulation 2.c.iii. implements Policy a, which seeks to minimize impacts to shoreline and nearshore ecological functions. Two potentially significant impacts of overwater structures are shading and interruption of sediment transport processes. (See Nightingale B., and C. Simenstad. 2001. Overwater structures: Marine Issues. White paper prepared for the Washington Department of Fish and Wildlife/Washington Department of Transportation). The proposed regulations do not appear to specifically address these types of impacts. I recommend the regulation be revised as follows:

iii. Minimize adverse effects on fish, shellfish, wildlife, water quality and geohydraulic processes by limiting the size of the structure and the use of hazardous materials, incorporating grating to allow light passage or reflective panels to increase light refraction; and spaced and oriented to minimize shading and avoid a 'wall' effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms.

Please also consider whether this policy is needed:

Overwater structures should be designed to avoid the need for maintenance dredging. The moorage of a boat larger than provided for in original moorage design shall not be

grounds for approval of dredging.

#### **Page IV-21, Habitat Restoration and Enhancement**

This section would benefit from policies that express the city's desire to encourage uses that incorporate restoration projects along its shorelines. Here are some policies (from Jefferson County) to consider:

Protection of existing resources is the best way to ensure the long-term health and well-being of Burien shorelines. Restoration should be used to complement the protection strategies required by this Program to achieve the greatest overall ecological benefit.

Priority should be given to restoration actions that meet the goals and objectives of the Restoration Element of this Program.

#### **Page IV-26, Residential Development**

##### **Common line Buffer**

To ensure no net loss of ecological functions, the city has adopted shoreline buffers for new development. The common line buffer can be used in cases where new development is proposed on undersized lots, and application of the buffer would either preclude the development of the single family home or substantially affect views. This approach does, however, create new nonconforming structures. While we support the requirement that common line buffer proposals be reviewed as conditional uses, the draft appears to allow redevelopment or expansion of existing buildings to encroach into the buffer using the common line buffer approach. This is inconsistent with the SMA and state law, as it will result in the potential for increasingly more structures to become nonconforming, and will also result in additional loss of ecological functions. Existing buffers in the city are already smaller than that supported by best available science, so the city should limit the use of the common line buffer to only new development, not expansion of existing development. Expansion of existing structures should be prohibited from encroaching waterward of any existing buffer. If this policy is to remain, the City needs will need to assess the impacts of the waterward expansion of existing residential structures on ecological functions in its cumulative impacts analysis, and determine how no net loss will be met.

##### **Regulations in General**

This section would benefit from additional policies that provide the basis for the subsequent regulations that address environmental protection and use compatibility. Here are some to consider:

Residential use is not water-dependent but is a preferred use of the shorelines when such development is planned and carried out in a manner that protects shoreline functions and processes to be consistent with the no net loss provisions of this Program

All residential use and development should be planned, designed, located, and operated to avoid adverse impacts on shoreline processes, aquatic habitat, biological functions, water quality and quantity, aesthetics, navigation, and neighboring uses

To protect shoreline ecological functions and discourage the proliferation of shoreline structures, the joint use of residential shoreline facilities, including access stairs, is preferred.

**Page IV-26 20.30.100 - Residential Development**

Is this section consistent with policies and regulations applicable to Accessory Dwelling Units (ADU's)??? Are all of these the same for Shoreline as for say a residential area in an upland residential area??

Same Section - 2a - Regulations General .....Protect .....*existing Water Views*. You have stated that Burien policy is not to have a policy on *Water Views*. Needs to be consistent. (Would be very pleased to assist the City if view protection is to become a policy!!)

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Same Section - 2g - Accessory structures. Assume this means ADU's??? If so there needs to be a specific height limitation on ADU's, as it exists an 800 sq ft ADU can consist of 3 stories and include a garage. Is this desirable on shoreline property????